

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67013 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- KOCHADHAMAN District- Kishanganj

Kamlesh Das Son Of Sri Gopal Das R/O Village- Krishnapalli, P.S.-
Bidhannagar, Phansiduwa, Dist.- Darjeeling, State- West Bengal

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-05-2022 Heard learned counsel for the parties.

Let the defect(s), if any, be removed within four
weeks.

The petitioner is in judicial custody in connection
with Kochadhaman P.S. Case No. 307 of 2020 for the offence
registered under Sections 30(9), 35, 36 and 41 of the Bihar
Prohibition and Excise Act.

The prosecution case in brief is that 630 liters of
foreign liquor is said to have been recovered from a Maruti
Super Carry Pick-up Van.

Learned counsel for the petitioner submits that neither
he was arrested from the spot nor he had any concern with the
said consignment rather was arrested from Siliguri. It is further
submitted that his name has come up in the confessional
statement of accused persons and he does not have any criminal



antecedent. He lastly submits that the petitioner is in jail since 11.08.2021 (as stated in paragraph-13 of the bail application.

Considering the fact that the articles have not been seized from the conscious possession of the petitioner, he does not carry any criminal antecedent, charge-sheet has already been submitted and he is in jail since 11.08.2021, this Court is inclined to grant him the privilege of bail but with certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional District and Session Judge II, Special Judge (Excise Act) Kishanganj in connection with Kochadhaman P.S. Case No. 307 of 2020, subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial Court itself;

(iii) the petitioner shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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